County of Fresno

Legislation Details (With Text)

File #:	20-1190	**Name:**	Request to Defend Public Officers or Employees
		In control:	Human Resources
On agenda:	11/3/2020	**Final action:**	11/3/2020
Enactment date:		**Enactment #:**	Agreement No. 20-437, Agreement No. 20-438, ~~Agreement No. 20-439, Agreement No. 20-440~~

Title: Approve and authorize Chairman to execute Agreement to Defend Public Officers or Employees for; James Dunn, Sheriff's Sergeant, Courtney Bush, Deputy Sheriff III, Colleen Santos, Deputy Sheriff III, Isaac Cervantes, Deputy Sheriff III, Jeffrey Morse, Deputy Sheriff III, Sheriff's Department; Veronica Gonzalez, et al. v County of Fresno, et al.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Agreement A-20-437 to Defend James Dunn, 3. Agreement A-20-438 to Defend Courtney Bush, 4. Agreement A-20-439 to Defend Colleen Santos, 5. Agreement A-20-440 to Defend Isaac Cervantes, 6. Agreement A-20-441 to Defend Jeffrey Morse, 7. Exhibit A Indemnification

Date	Ver.	Action By	Action	Result
11/3/2020	1	Board of Supervisors	Approved as Recommended	Pass

DATE: November 3, 2020

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Request to Defend Public Officers or Employees

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreement to Defend Public Officer(s) or Employee(s) for the employee(s) listed below:

Name of Officer(s)/ Employee(s)	Position	Title of Action
James Dunn	Sheriff's Sergeant Sheriff's Department	Veronica Gonzalez v
Courtney Bush	Deputy Sheriff III Sheriff's Department	County of Fresno, et al.
Colleen Santos	Deputy Sheriff III Sheriff's Department	
Isaac Cervantes	Deputy Sheriff III Sheriff's Department	
Jeffrey Morse	Deputy Sheriff III Sheriff's Department	

Description:

The claimants allege they were falsely arrested and detained without probable cause which resulted in bodily injuries to the claimants as well as emotional distress from the shooting of their dog, Scooby, which was the proximate cause of the claimants' injuries/damages.

Fresno County Claim No.:   9922
Fresno County Superior Court Case No.:   18CECG03672
Claimant: Veronica Gonzalez, et al.

ALTERNATIVE ACTION(S):

No alternative action is available as Article 4 (commencing with section 825), Chapter 1, Part 2, Division 3.6 of Title 1 of the Government Code requires the County indemnify its public employees.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Funds to finance the cost of defense are contained in the Department's Org 8925, Risk Management Internal Services Fund. Defense costs are supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

The California Government Code requires the County to defend its officer(s) and/or employees(s) who are sued because of their actions while in the course and scope of employment. The County may require officer(s) and/or employee(s) to agree that the County's rights under the law are protected.

In the above-mentioned action, the officer(s) and/or employee(s) who have been named in the suit have requested the County to provide legal defense. The necessary agreement to protect the County's rights has been signed by said officer(s) and/or employee(s) and is on file with the Clerk of the Board.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for James Dunn
On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Courtney Bush
On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Colleen Santos
On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Isaac Cervantes
On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Jeffrey Morse
On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Yussel Zalapa